

capacity building good governance improvement

Promoting Better Practice Program

REVIEW REPORT

PITTWATER COUNCIL

OCTOBER 2009

Division of Local Government
Department of Premier and Cabinet



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EXECUTIVE SUMMARY

1. ABOUT THE REVIEW

1.1 Review objectives

The Promoting Better Practice review program has a number of objectives:

- to generate momentum for a culture of continuous improvement and greater compliance across local government;
- to provide an 'early intervention' option for councils experiencing operating problems;
- to promote good governance and ethical conduct principles;
- to identify and share innovation and good practice in local government; and
- to enable the Department to use review information to feed back into its work in identifying necessary legislative and policy work for the local government sector.

Reviews act as a "health check", giving confidence about what is being done and helping to focus attention on key priorities.

1.2 Review process

The process involves a review team of the Division of Local Government, Department of Premier and Cabinet evaluating the effectiveness and efficiency of the council's operations and giving feedback. The review team takes a risk based approach that involves checking compliance, examining appropriate practices and ensuring that council has frameworks in place to monitor its performance. It includes: examining policies and procedures; interviews with key personnel and councillors; checking samples of documentation.

The primary legislation which sets out minimum requirements and standards for councils in NSW is the *Local Government Act 1993* (the Act) and the *Local Government (General) Regulation 2005* (the Regulation). Unless otherwise stated, this report refers to that legislation.

The scope of the review is limited to a core set of compliance and good practice questions.

This report focuses on documenting those areas the review team identified as:

- exceeding good practice
- in need of improvement or further development
- otherwise noteworthy

The results of reviews are analysed and fed back to the elected council, the Deputy Director General (Local Government) and the Minister for Local Government.

1.3 PITTWATER COUNCIL REVIEW

The review team comprised Ms Caroline Egberts, Senior Investigations Officer and Ms Marilyn McAuliffe, Acting Senior Investigations Officer. Pittwater Council was asked to complete a set of comprehensive checklists relating to council practices across key function areas.

A survey was provided to all Councillors to seek their views and the option of a follow up interview was also extended. Five completed surveys were returned to the review team. An on-site component of the review took place from 17 March 2009 to 20 March 2009 and involved:

- attending a Council meeting;
- interviews with two councillors;
- meetings with Council's Mayor and General Manager;
- interviews with a range of staff;
- a meeting with Council's Joint Consultative Committee;
- the review of a number of Council's policies, documents and on line systems;
and
- visits to Council facilities/worksites.

This draft report details the review's preliminary findings and recommendations and is presented for Council's corporate response. The review team wishes to thank all

councillors and staff who participated in the review. Their knowledge, input and assistance is most appreciated.

2. CONTEXT

The Pittwater local government area is situated at the northern end of Sydney's Northern Beaches. The area is a coastal peninsula which covers 125 square kilometres. The Guringai people are acknowledged as the traditional owners of the land. The population of the area in 2006 was 54,158 people. (Australian Bureau of Statistics 2006 Census data)



Over a period of 25 years there was an intermittent campaign for Pittwater to become a separate local government area from Warringah Shire. The new Pittwater Council was proclaimed on 1 May 1992 and its first elections were held on 24 October 1992.

Pittwater Council has nine councillors including the Mayor. The local government area is divided into three wards being Northern, Central and Southern, with three councillors elected in each ward.

The Council meets on the first and third Monday of each month (with the exception of public holidays) at the Mona Vale Memorial Hall. Council has four principal committees made up of only councillors as follows:

- Community, Recreation and Economic Development Committee;
- Natural Environment Committee;
- Governance Committee; and
- Integrated Built Environment Committee.

The recommendations of these committees are considered by Council.

3. SUMMARY FINDINGS

3.1 OVERVIEW

Given its establishment only 17 years ago, Pittwater Council is a relatively young council. Notwithstanding this, it is a well-managed and efficient local government authority.

Council has a clear vision for Pittwater to be a “*vibrant sustainable community of connected villages inspired by bush, beach and water.*” Together, Council and the community have worked to prepare its *2020 Strategic Plan – Our Sustainable Future*. Council has adopted an integrated approach to delivering the strategic initiatives of this plan.

Both elected officials and senior management have a mature approach to decision-making. Councillors appear to act in a manner appropriate to their civic office.

Council’s workforce appears to be dedicated and motivated. The relationship between councillors and staff is described as excellent.

Summarised below are key areas or initiatives that the review team identified as exceeding good practice and those requiring further development.

3.2 COUNCIL STRATEGIC POSITION

What is better practice?

- Pittwater Council has a robust strategic planning and reporting framework.

3.3 GOVERNANCE

What is better practice?

- Council has a sound governance framework.
- Council's committees and the organisation have been restructured to align with its Strategic Plan and Management Plan.
- An intranet site for councillors provides a range of information and resources including direct access to information available under section 12 of the Act.
- An inclusive and transparent approach to conducting senior management meetings.

- Council's work with other North Shore councils to establish a regional conduct review committee/panel of sole reviewers. A toolkit kit has been developed to assist member councils to review complaints.
- Council's Information Technology graduate recruitment and training program.
- Council's leading edge technology in respect to its development of online systems.

Areas for further development

- Council meetings could be more conducive to the participation of new councillors.
- Council's Management Plan lacks corporate values and clear performance indicators.
- Some employees appeared to have accepted a gift or benefit of value which is contrary to the Model Code of Conduct.
- Improved mechanisms are required to ensure that Council complies with all relevant legislation.
- Council lacks internal controls in the areas of procurement and disposal practices; financial processes and the exercise of delegations.
- Some suggestions have been made in the body of this report to assist Council in the review of its policies.

3.4 PLANNING AND REGULATORY

What is better practice?

- Council's online development application (DA) enquiry, application and assessment system.
- Web based system for s149 Certificates.
- Council's Development Unit approach to DA assessment and arbitration.
- The use of *Mapinfo* software to support Section 94 contributions.
- Council's management of its somewhat varied local area environment.

Areas for further development

- Staff's knowledge and awareness of Companion Animals legislation and requirements.
- Completion and implementation of Council's risk management strategy.

3.5 ASSET AND FINANCIAL MANAGEMENT

What is better practice?

- Council's rationalisation of assets to better meet community needs or create new income producing assets.

Areas for further development

- Work towards the development of plans of management for all parcels of community land.
- Development of an integrated Long Term Asset Management Plan and Long Term Financial Plan.
- Development of a Plant Replacement Policy.

3.6 COMMUNITY, COMMUNICATION AND CONSULTATION

What is better practice?

- Council appears to work well with the community to plan and deliver services.
- Council's *Living Pittwater, Our Cultural Plan 2006-2011* is a particularly well presented and readable plan which demonstrates creative consultation.
- Council is developing an integrated model of child care for 0-5 year olds.
- Ongoing community input into Council's Strategic Plan is achieved via four community reference groups.
- Extensive education programs for the community covering a wide range of issues.
- Council's engagement with the community in matters involving the environment.

Areas for further development

- Council's approach to economic development and tourism is not well developed.

3.7 WORKPLACE RELATIONS

What is better practice?

- Council's use of a People Management Performance System.
- The suite of initiatives to foster employee involvement and communication.
- Two leadership and management skills development programs in which the senior management team are actively involved.

Areas for further development

- Council needs to strengthen its processes relating to the performance appraisal of the General Manager.
- The draft Workforce Planning Strategy should be strengthened by including key performance indicators.
- Council's Equal Employment Opportunity activities should be considered for inclusion in Council's Strategic and Management Plans.

Recommendations relating to each key function area have been made in the body of the report. A complete list of the recommendations is contained in the Action Plan section of this report. The Action Plan is to be completed and adopted by Council to guide the implementation and monitoring of the recommendations in this report.

OUTCOMES OF THE REVIEW

This section of the report focuses on documenting those areas in which Pittwater Council exceeds good practice, needs further development or are otherwise noteworthy.

PART I PLANNING A SUSTAINABLE FUTURE

This part of the review focussed on Council's strategic intent and how it has involved its communities and other stakeholders in developing long term strategic plans. Monitoring and reporting progress to promote continuous improvement was also an integral consideration in regard to Council's performance in this area.

4. STRATEGIC PLANNING AND REPORTING

A new planning and reporting framework for NSW local government is about to be introduced to improve local councils' long term community planning and asset management as well as streamline reporting to the community.

The new framework aims to improve the sustainability of local communities by encouraging councils, residents and State agencies to work together on long term plans and appropriate delivery programs. Community strategic plans will be supported by a long term financial strategy (resourcing strategy), asset management plan and workforce strategy. The framework is set out in the following diagram.

Diagram 1 Proposed planning and reporting framework



4.1 BETTER AND NOTEWORTHY PRACTICE

4.1.1 2020 Strategic Plan – Our Sustainable Future

Council's vision for 2020 and beyond is for Pittwater to be:

a vibrant sustainable community of connected villages inspired by bush, beach and water.

Council has developed a robust strategic planning framework which is well integrated with its delivery program. It includes systems and tools to ensure a cohesive approach to the way it works with the community, regional organisations and other levels of government to improve Pittwater's sustainability. Reporting and continuous improvement are also key features of the framework.

The extent and manner in which Council has progressed integrated planning and reporting makes it a leader in this area in NSW. Some of the key elements in which Council's framework meets or exceeds good practice are described below.

- The framework is consistent with the planning and reporting model to be introduced by the Department.
- It draws upon a number of frameworks and documents at a global, national, state and regional level. Council participates in a number of relevant regional and state initiatives.
- Council undertook an extensive consultation process to engage Councillors, staff and the community in developing its Strategic Plan.
- The 2020 Plan clearly states key directions, aims, goals and targets. Twenty strategies outline more specifically how Council will achieve these.
- There was evidence that the Strategic Plan is used to inform major decisions of Council via clear links to the business papers for Council meetings, the Management Plan, other plans, reports, policies and documents.
- In order to deliver Council's strategic directions and initiatives, the layout and format of the Management Plan has been modified to align with the Strategic Plan.

- To ensure Council has the resources necessary to achieve its vision and strategies, it is currently developing a Long Term Financial Strategy (linked to its Asset Management Plan and draft Workforce Management Plan).
- In addition to this, so that the right people and skills are available to most effectively deliver results, Council's Business Units were restructured to align with the Strategic Plan and Management Plan.
- Council has demonstrated its commitment to regular monitoring and reporting on the progress of the Plan as follows:
 - the Annual Report was under review to also better report on the specific initiatives and activities in the Strategic and Management Plans;
 - monthly managers' reports are considered by Council's senior management team and a quarterly report is presented to Council. The format and content of these reports are directly linked to the Management and Strategic Plans;
 - to ensure ongoing feedback and participation from the community in implementing and monitoring its Strategic Plan, Council has established four reference groups. Each group is responsible for one of the four key direction areas of the Strategic Plan. These groups in turn are linked to four corresponding Council Committees;
 - Council intends to carry out a community survey every two years to gauge public satisfaction. Information from the surveys will feed into a comprehensive review of the plan every four years in line with the election cycle;
 - Council proposes to prepare an annual State of Pittwater Report which will track and measure progress towards the 2020 targets set in the Strategic Plan; and
 - as a result of an internal evaluation, Council is fine tuning its key performance indicators to ensure that they are more meaningful and measurable.

PART II DELIVERING AND ACHIEVING

This part of the review focussed on examining key structures, systems and processes involved in delivering the stated outcomes of Pittwater Council's Strategic and Management Plans. This included considering the means by which Council:

- governs its day to day operations;
- undertakes its planning and regulatory obligations;
- manages its assets and finances;
- involves the community; and
- recruits and retains its workforce.

5. GOVERNANCE

5.1 OVERVIEW

“Corporate governance refers to all the means by which entities are directed and controlled.” (Standards Australia, HB401-2004:12) Corporate governance is important because it enhances organisational performance; manages and minimises risks; increases the confidence of the community and the local government sector in the organisation; ensures that an organisation is meeting its legal and ethical obligations; and assists in the prevention and detection of dishonest or unethical behaviour.

5.1.1 Scope of the review

A review was conducted of a range of aspects of Council's governance practices including:

- *Council's decision-making processes;*
- *ethics and values/code of conduct;*
- *councillor development;*
- *management planning;*
- *risk management, legislative compliance and internal control;*
- *procurement, disposal and tendering;*
- *records management and information technology; and*

- *access to information.*

5.1.2 Pittwater Council's governance framework

Overall, Council has a sound governance framework which includes a range of systems and processes that contribute to effective organisational performance. However, the review team identified a number of areas requiring further development.

5.2 BETTER AND NOTEWORTHY PRACTICE

5.2.1 Council committee structure

In October 2008 Council adopted a new committee structure of four committees to align with the key directions of its Strategic Plan as follows:

- 1 Community, Recreation and Economic Development Committee;
- 2 Natural Environment Committee;
- 3 Governance Committee; and
- 4 Integrated Built Environment Committee

The committees provide a forum for councillors to consider, discuss and make recommendations to Council on the various initiatives of Council's Strategic Plan. These committees reflect Council's strong commitment to implementing and monitoring the progress of its plan.

To ensure ongoing feedback and participation from the community, each of these committees is supported by a community reference group which also corresponds to each of the key direction areas. The chairperson of each Council committee also chairs the corresponding reference group. This forum allows direct community input into the decision making process.

5.2.2 Councillor development and resourcing

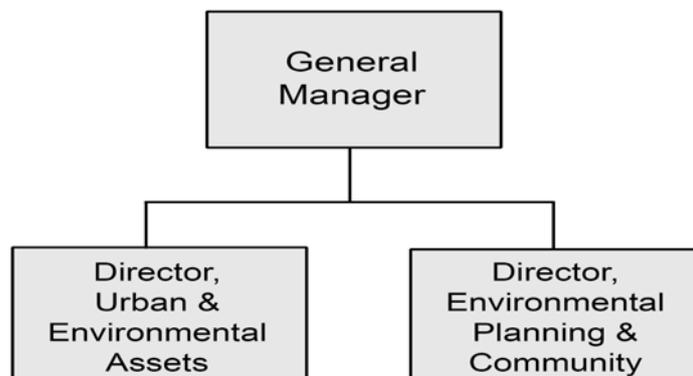
Pittwater Council has nine councillors. Four of these councillors were newly elected at the September 2008 election.

Council provides a comprehensive range of information, policies and training to assist councillors to fulfil their roles. Examples include:

- an up to date policy (last reviewed in April 2008) on the payment of expenses and provision of facilities to Mayor, Deputy Mayor and councillors as required under section 252 of the Act. The policy complies with Departmental guidelines and is well structured and easy to read;
- Council has a fairly intensive councillor development program for both new and experienced Councillors. Some of this training is provided cost effectively by accessing regional sessions provided by Shore Regional Organisation of Councils;
- all councillors have been presented with a detailed handbook;
- an easy to access councillor intranet site provides information and resources to complement the Councillor Handbook. An innovative feature of the site is that it allows councillors direct access to Council information available under section 12 of the Act; and
- eight (8) out of the nine (9) Pittwater councillors attended one of the councillor information seminars held by the Department.
- In terms of councillor/staff relations, both councillors and staff interviewed reported that their interaction was very positive and appropriate to their roles. The Mayor appeared to be well respected by councillors and staff. At the Council meeting attended by the review team, several councillors praised a number of staff members for the quality of their work.

5.2.3 Organisational structure

The senior management team consists of the General Manager and two Directors.



At the time of the on-site review, the position of Director Corporate Services was vacant and under review. Until resolved, the functions within this directorate are oversighted by the General Manager.

In July 2008, the General Manager coordinated a review of key functions at the operational level to ensure Council was best placed to meet the priorities of its Strategic Plan. As a result, 10 Business Units were created to ensure the right people and skills are available to effectively implement the strategies and activities contained within the Strategic and Management Plans. Council proposes to review the structure on a regular basis and fine tune it, as necessary.

5.2.4 Senior management team meetings

The General Manager has taken a very inclusive and transparent approach to the way senior management meetings are structured. Business Unit Managers attend every alternate meeting. This enables a number of staff to be engaged in the decision making process. Several managers reported that this has improved communication with senior management and has helped to reduce barriers between business units.

In addition, two staff members who are participants of Council's Leadership Development Program attend these meetings. They are required to deliver a short presentation relating to their area of work. As well as developing their presentation skills, these officers are able to witness decision making and planning at a senior level. Additionally, senior management hears first hand the ideas and initiatives of operational staff members.

The minutes of the senior management meetings are available to all staff. The minutes appear to clearly document the proceedings of those meetings.

5.2.5 Code of conduct

Pittwater Council adopted its latest Code of Conduct in October 2008. The Code clearly sets out the standards of behaviour that are expected of council officials including councillors and council staff.

Council's Code of Conduct complies with the provisions in the Act and the Model Code of Conduct for Local Councils in NSW (June 2008). It also includes some

supplementary provisions which are consistent with the spirit and intent of the Model Code.

These supplementary provisions allow for better integration between the Code and other Council policies relating to the conduct of councillors, staff and delegates. For example, Council's Internal Reporting System – *Protected Disclosures Act 1994*; Child Protection Procedures, Guidelines for Councillor Site Inspections and appointment to other organisations.

While Council provides a copy of its Code of Conduct to its councillors and staff, it also ensures members of its reference and advisory groups receive a copy. Members of these groups have received a briefing on the Code, usually as part of their induction.

Section 12.12 of the Model Code requires councils to appoint persons independent of council to comprise the members of a conduct review committee and/or act as sole conduct reviewers. It is worth noting that Pittwater Council has participated in a regional approach to meet this requirement. In conjunction with the Northern Sydney Regional Organisation of Councils, Pittwater Council assisted in the establishment of a Regional Conduct Review Committee/Sole Reviewer Panel. A tool kit of standard forms to guide its members in the review of complaints has also been developed as part of this initiative.

It is not within the scope of this review to assess the effectiveness of this regional approach. However, it does appear to be a resource effective way to provide the independent review function required by the Model Code.

5.2.6 Information technology

Council has introduced leading edge technology to support its planning and development processes that ensures consistent and accurate information being available to the public and council officers.

The *On-Line Development Enquiry and Assessment Program* (MasterPlan, Enquirer and Assessor) is an interactive online program for DAs for use by both applicants and assessors. The program reduces the incidence of complaints and delays in the development process and makes best use of available resources. Council has won a number of awards for this program.

Council has an information technology graduate recruitment and training program to recruit IT professionals at a graduate level and train them up. The retention of these staff is well above average retention rates, thus reducing recruitment costs and maintaining corporate knowledge and experience in this area.

5.3 AREAS REQUIRING FURTHER DEVELOPMENT

5.3.1 Values

Pittwater Council has set clear organisational values to guide councillors, staff and other council officials in how to carry out their business. The extent to which Council ensures that its values are visible, understood and practiced is above average. For example, posters containing the values are displayed in various locations such as meeting rooms and the lift. They are also displayed on corporate cups.

Throughout the review process staff at various levels of the organisation referred to Council's values and gave examples of how they are put into practice. A number of staff reported that some senior managers, particularly the General Manager, model and/or actively encourage the use of the corporate values during meetings.

However, despite these best efforts, Council's values are not included in its Management Plan and Annual Report. These values may also be of importance to the community and other Council stakeholders and hence should be included in these key public documents.

Recommendation 1

Council should include its values in its Management Plan and Annual Report.

Council's response

Council's Values have been included in Council's recently completed Annual Report and is incorporated in the 2009/10 Management Plan.

Review team comment

The review team considers this recommendation to be complete.

5.3.2 Decision making

Council meetings are the primary means by which Council makes its decisions. The review team attended Council's meeting of 18 March 2009.

The review team found that:

- Council's Code of Meeting practice which guides the conduct of the meetings was last reviewed in November 2008. This Code complies with the procedures set out in the Act and Regulation;
- Council maintains a Register of Voting on Planning Decisions at Pittwater Council Meetings. The register records which councillors vote for and against each planning decision of the council;
- the meeting was effectively chaired by the Mayor and overall the proceedings were very orderly;
- councillors appeared to be very respectful of one another and worked well together in discussing and resolving the items on the agenda; and
- as outlined earlier, Council has an effective Committee and Reference Group structure which allows for direct community input into strategic decision making.

The following observations indicate there is room for improvement.

- On several occasions the moving and seconding of a motion occurred very quickly making it difficult to follow for members of the public gallery and some new councillors.
- Overall, participation appeared to be limited to a small number of councillors. Some councillors advised that this was the norm.

The Mayor could explore mechanisms to ensure maximum participation from all councillors such as moving into committee of the whole in which meeting procedure is more relaxed or holding some mock council meetings to train new councillors.

Recommendation 2

The Mayor should explore and implement mechanisms to ensure maximum participation by all councillors

Council's response

The 2008 Council elections saw 4 new Councillors elected to Council. In house training sessions have been held on Council's Code of Meeting Practice and procedures.

In past experiences newly elected Councillors do take a little time (some more than others) to feel comfortable to get involved in Council discussion and voting procedures. Since the March Council meeting it is evident that the majority of "new" Councillors are taking a far more active role in the Council process. Further meeting procedure training will be provided to address issues of equitable participation.

5.3.3 Councillor induction, development and training

Some of the newly elected councillors indicated that while they appreciated the training received to date, they would like some sessions solely for new councillors. The experience of long standing councillors was at times helpful but also quite intimidating. At times this impeded new councillors from asking questions to assist their learning. It was also suggested that follow up sessions about some of the more complex areas such as code of conduct be held in three to six months time.

Original recommendation 3

Council should consider holding training sessions solely for new councillors and organise follow up sessions in relation to more complex topics in three to six months time.

Council's response

Training should be available and provided to all Councillors on an equal basis.

Review team comment

The original recommendation has been amended accordingly.

Revised recommendation 3

Council should ensure councillor training sessions meet the needs and facilitate the learning of all councillors.

5.3.4 Management planning

The Pittwater Council Management Plan 2008-2012 meets legislative requirements in most areas. The plan was placed on exhibition for a period of 28 days as required. Community input was encouraged. A report documenting the issues raised and

advising how they had either been addressed in the Management Plan or by another means was presented to Council.

The Plan is well presented and easy to read. As mentioned earlier, it appears well integrated with Council's Strategic Plan.

However, a significant deficiency of the 2008-2012 Management Plan is the lack of clear performance indicators to meaningfully track and measure progress towards the targets set in the Strategic Plan. While managers monitor and report upon the Plan to senior management on a monthly basis, this reporting focuses on providing an update on particular actions rather than progress toward strategic targets.

Council is aware of this deficiency and is developing measurable performance indicators for inclusion in next year's plan.

Recommendation 4

That Council include clear performance indicators in its next Management Plan in order to meaningfully track and measure progress towards the targets set in the Strategic Plan.

Council's response

In order to fully integrate the Strategic Plan and Management Plans we have developed a range of operational key performance indicators (KPI's). Each of these KPI's is directly related upward into the 36 goals and targets contained within Pittwater 2020 Strategic Plan. Further, the operational KPI's can be related downwards and are now integrated into staff performance management processes.

Review team comment

The review team considers this recommendation to be complete.

5.3.5 Gifts and benefits of value

Council officials at some stage in their career may be offered a gift or benefit in the course of their work. The gift or benefit could be offered innocently, or in good faith or could be offered in an attempt to influence the council official.

If council officials accept a gift or benefit, this can give rise to feelings of obligation on their part towards the giver. It can also create perceptions that they are or will be influenced because of the gift or benefit.

Council adopted Gifts and Benefits Guidelines in February 2009 and maintains a gifts register. The guidelines comply with the Model Code of Conduct.

The guidelines specify that *“you must not accept gifts and benefits that have more than a nominal or token value.”* However, several entries in the gifts register cover instances where it appears some staff, contrary to the Code, accepted corporate hospitality which could be described as a gift or benefit of value.

As a result Council needs to guide staff in what is an acceptable token gift or benefit. Instances where a council official has accepted a gift or benefit of value should be reported to the General Manager in writing. As this is a potential breach of Council’s Code of Conduct, the matter should be handled in accordance with the complaint handling procedures and sanctions set out in the Code.

The Independent Commission Against Corruption (ICAC) has produced the *Managing Gifts and Benefits in the Public Sector – Toolkit*. This resource has been developed to help NSW public sector agencies and local councils to develop, update and implement their gifts and benefits policy and procedures for reporting and managing gifts and benefits. The resource offers advice and guidance for developing policy, communication and training about the policy and an online reporting and management tool.

Recommendation 5

Council should use the Managing Gifts and Benefits in the Public Sector Toolkit - Independent Commission Against Corruption to review its Gifts and Benefits Guidelines and then provide training to its employees.

Council’s response

As stated, Council’s policy complies with the Model Code of Conduct. The Ombudsman’s toolkit *“Managing Gifts and Benefits in the Public Sector”* indicates that *“there is no public-sector wide monetary definition of nominal value”*. I am also aware that some Council’s have adopted a figure regarded as nominal to be up to \$100 whilst others have adopted a lesser value. In keeping with the Ombudsman’s toolkit it is appropriate for Council to set a value it considers appropriate and though Council has not adopted a monetary limit it would be prudent to do.

It is suggested in your report that staff may have breached Council’s Code of Conduct by accepting *“Corporate hospitality”* however Section 8.2 of Council’s Code

refers to “corporate hospitality at a corporate facility at major sporting events”, which was not the case in these instances.

Council can make amendments to the policy that will better guide staff in determining their position in relation to gifts and benefits, it is considered the current policy does comply with the Model Code of Conduct and it would appear that staff have not breach that code.

Review Team comment

Firstly, the review team would like to clarify that, as stated, the Toolkit it referred to was produced by the Independent Commission Against Corruption. It was suggested as a resource to assist Council to enhance its Gifts and Benefits Guidelines as it sees fit.

It is agreed that it is up to Council to determine what monetary limit it attaches to the definition of token.

All councils are required to adopt a code of conduct that at least meets the minimum standards set out in the Model Code of Conduct prescribed by the *Local Government Act 1993*. Clause 8.2 of the Model Code cites “corporate hospitality at a corporate facility at major sporting event” as one example of a number of examples of gifts and benefits that have more than a token value. The clause also states that while it includes these examples it is not limited to these.

The review team draws Council’s attention to section 4.3 of the Guidelines for the Model Code of Conduct. This section provides further interpretive information about personal benefit as well as further detailed case studies/examples. The ICAC toolkit provides further examples on this subject.

One example of the potential breaches identified by the review team while on-site involved the attendance by a relatively senior employee on a harbour cruise which appeared to include food and drinks which was funded by one of Council’s suppliers. Some questions we would encourage Council to consider and resolve in relation to this example of corporate hospitality include:

What benefit is achieved for Council by that officer attending?

How much the market value of such a cruise?

Does the value exceed the nominal value that Council has set for token gifts and benefits?

Could the officer's attendance be perceived to compromise Council's impartiality in choosing the suppliers services in the future.

Also, the Guidelines for the Model Code of Conduct and the ICAC Toolkit encourage councils to assess whether the benefit of the council's official's attendance outweighs the damage of potentially damaging the perception of the manner in which Council conducts its business.

Finally, Council itself is primarily responsible for determining whether the actions of its members and staff constitute a breach of the standards of behaviour set out in its code of conduct and the Act.

5.3.6 Legislative compliance

Councils are required to comply with a large number of pieces of legislation. Council does not currently have a system whereby all relevant employees are made aware of their current obligations and promptly advised of future amendments to legislation or regulations.

Council has advised that it has recently appointed an internal auditor to work with relevant staff to assist in establishing an appropriate system to ensure that its legislative and regulatory obligations are met.

Recommendation 6

Council should develop a system whereby it can ensure that all legislative and regulatory obligations are met on an ongoing basis.

Council's response

Council has obtained the systems adopted by Wingecarribee and Fairfield Councils and is currently in the process of reviewing the legislation listed in the information obtained to ascertain if it is relevant to Pittwater Council.

5.3.7 Policy register

Council has a comprehensive suite of policies which are held in its policy register and on the intranet. However, there does not appear to be a consistent format for all policies. Several policies are currently in draft form and do not display a date of effect. Dates relating to when a policy was last reviewed or its next planned review were also not displayed on all policies. While Council advised that this information is tracked through *Dataworks*, its electronic document records management system, the policies should have some form of version control indicated on the document. Members of the public and other stakeholders are entitled to access certain policies and by displaying version control information on both hard and soft copies of all policies, it would be evident when they were last reviewed and/or updated.

Council has commenced a review of all of its policies. This is estimated to take approximately 12 months. Council's review should give consideration to:

- developing a consistent format which includes recording information which allows for version control;
- policies or documents that could be better integrated with each other or may have become redundant. For example, it may be possible to consolidate the Media Guide and Media Communications Policy. Council's Corporate Guidelines – Public Meetings, Consultation and Public Forums may overlap with information contained in the Community Engagement Policy/Toolkit;
- how each policy relates to Council's Strategic Plan; and
- formalising the procedure for updating the register and communicating changes to responsible staff.

Recommendation 7

Council should consider the comments made in this Promoting Better Practice Report when reviewing its policies and updating its register.

Council's response

Many policies in the register are as a result of a Council decision and as such do not confirm to a consistent format. Review to be undertaken 2010.

5.3.8 Records management

Council is required to make and keep full and accurate records of its activities in accordance with section 12 of the *State Records Act 1998*. Council must establish and maintain a records management program that conforms to best practice standards and codes.

At the time of this review Council had a draft records management policy, records disposal procedure and a records disaster recovery plan. Council utilises the *Dataworks* software program to electronically manage its records.

The draft records management policy is not dated and needs further work before it effectively meets the operational business needs and accountability requirements. For example, the draft Policy makes limited reference to councillors' records. State Records NSW recently issued a recordkeeping publication for local government councillors, '*Sample records management policy, procedures, leaflets and templates for local government councillors*'. This publication provides guidance about the keeping of records that relate to a councillor's role and may be of use in more fully embracing the roles and responsibilities of councillors into Council's policy.

Recommendation 8

Council should finalise its records management policy and ensure that councillor records are adequately covered by that policy.

Council's response

Council has finalised its record management policy and it was signed off at the time of the inspection. However, Councils intention to adopt a Record Keeping Policy for Councillors has stalled given that legal advice has been received that indicates that Council could not enforce many of the requirements set in the draft policy. The policy was developed in conjunction with SHOROC Councils and as a consequence of the legal advice correspondence is being sent by SHOROC to both the DLG and State Records for their comment on the legal advice.

5.3.9 Conduct review committee/sole reviewers

As noted earlier, Council has participated in the establishment of a Regional Conduct Review Committee/Sole Reviewer Panel.

The review team notes that the toolkit to guide its members in the review of complaints includes quite some detail on the review of a pecuniary interest. As per section 14 of the Model Code – Conduct Review Committee/ Reviewer Operating Guidelines, Council is reminded that *“complaints regarding pecuniary interest matters should be reported to the Director General of the Department of Local Government (former) and will not be dealt with by the conduct review committee/reviewer.”*

Council should consider approaching the Northern Sydney Regional Organisation of Councils to review its toolkit for the Regional Conduct Review Committee/Sole Reviewer Panel to ensure that it advises its member councils to refer pecuniary interest complaints to the Deputy Director General (Local Government), Department of Premier and Cabinet.

5.3.10 Procurement, tendering and disposal practices

Council's *Procurement and Contract Administration Guidelines* document refers to related policies and guidelines and gives a high level outline of purchasing procedures and an outline of its change in direction to 'e' procurement and tendering in the future. The policies and guidelines which cover current procurement and tendering practices include: a manual on financial delegations of authority which advises an officer's authorisation limits for purchasing; a sustainable purchasing policy; and, procurement guidelines. There is no overarching document that gives an overall procedural approach to procurement and tendering taking into account all the requirements and considerations of the related policies and guidelines. Council should consider reviewing its procurement guidelines document to include all steps to be taken by Council staff in sourcing and purchasing goods and services. This would include the requirements relevant to each expenditure threshold and category of goods/services and for reporting outcomes to Council.

Council's move to 'e' procurement, 'e' tendering and bulk tendering of goods and services is being undertaken in conjunction with SHOROC. This new approach will ensure greater control over procurement and tendering activities with many controls and requirements built into the procurement system. Council advised that the 'e' Procurement and 'e' Tendering Policy, guidelines, systems, procedures and other documentation will be developed and rolled out in June 2010.

Council has a Disposal Policy for plant and equipment which defines the assets as either major and minor, sets out the basis on which disposal can be considered, the disposal methods and the authorisation necessary for disposal. However, it does not include any guidance on selecting the most appropriate disposal method (eg public tender, auction, sale, destruction).

Council should review its disposal processes and procedures to ensure that disposals are carried out in accordance with Council policy.

Council has a sustainable purchasing policy which supports its commitment to a sustainable future, meeting the “*global challenges of creating a sustainable society on our shared planet*” and the need for council to play a leadership role in advancing long term social and environmental sustainability.

Recommendation 9

Council should consider reviewing its procurement and disposal guidelines to include all policies and steps to be taken by council staff in these processes.

Council's response

Council will review its procurement and disposal guidelines to include all steps to be taken by council staff in these processes.

5.3.11 Internal Controls

Internal control processes, such as internal audit, fraud control, risk management and legislative compliance, provide for systematic assessment of the adequacy and weakness of Council processes and systems.

Risk Management

Risk management is about the systematic identification, analysis, evaluation, control and monitoring of risks. Council is striving to achieve best practice in the management of all risks, including those associated with climate change and natural disasters. To this end it developed risk management guidelines for senior management in November 2008 along with an implementation strategy that aims to ensure the identification and management of risks across all levels of the organisation by June 2009.

Council's senior management team appointed itself as the Executive Risk Management Team and will develop and implement arrangements to ensure that

managing risk becomes an integral part of the planning, management process and general culture of Council and to ensure that desired outcomes are achieved.

In discussions with Council staff, it was evident that staff at all levels are aware of the importance of identifying and managing risk to minimise any potential loss to Council and the community. While the risk management strategy has been developed and the objectives and performance measures clearly defined, Council should ensure that all staff are familiar with the process and that an audit plan is developed and implemented in a timely manner to ensure the effectiveness of the risk management process.

Risk assessment has been carried out at high levels but at the time of the review it had not been undertaken at the business unit level. Council acknowledged that a risk assessment had not been conducted on its Procurement and Disposal practices in the last 2 years.

Recommendation 10

Council should ensure that the risk management plan is implemented in accordance with the approved implementation plan.

Council's response

Council's risk management plan is to follow a six (6) step process. This six step process of implementation has commenced with step one, Senior Management Support/endorsement being carried out. Council is currently in the process of completing step two (Development of Framework) and Step Three (Communication/Education).

It is anticipate having these steps completed by early in 2010. Accordingly, Pittwater Council is carrying out its risk management plan in conjunction with its approved implementation plan.

Recommendation 11

Council should conduct a risk assessment of its procurement and disposal practices, as soon as practicable.

Council's response

Over the past 18 months the area of procurement and disposal has been an organisational priority with additional staff resources being added and improvements

concerning its practices and operations being implemented. An initial risk assessment has been undertaken with areas such as contractor arrangements, procurement procedures, probity lines, quotation documentation all being strengthened. Further to this it has been identified that an implementation of an electronic procurement system would further strengthen the area of procurement and its associated risk. Accordingly, Council has started a process of risk assessment and it is anticipated that by the end of 2009 a more detailed risk assessment, further procurement improvements and a Council wide education process would be complete.

Fraud control and Internal Audit

Internal control is an issue that was raised by Council's auditor during the audit of its 2008 financial statements. Council should review its current internal controls and reviews to ensure that:

- processes are appropriately followed;
- delegations appropriately applied and authorisations obtained;
- monies and transactions accurately accounted for;
- required reporting to Council undertaken; and
- registers are maintained in accordance with legislation and good practice.

Council has an internal auditor position which is part of the Corporate Strategy Unit. This position is currently involved in ensuring that legislative and regulatory obligations are being met.

While Council has planned a systematic review of processes by the internal auditor, the review team found no evidence of audits being undertaken for the exercise of delegations or procurement and disposal practices. To ensure that delegations are being used as approved and that procurement and disposals practices are in accordance with Council guidelines and legislative requirements, audits of these processes should be undertaken.

Council has an internal audit committee made up of the Senior Management Team however it recognises that it is no longer appropriate.

Council's move to 'e' procurement and tendering is anticipated to be undertaken over a two (2) year period. Council will need to review its current procurement and tendering processes to put in place adequate internal controls and audit processes to ensure that approvals and authorisations are in accordance with delegations and to avoid any possibility of fraud and unauthorised purchase of goods and services.

Recommendation 12

Council should review its processes with a view to improving internal control mechanisms and undertaking internal audits, especially in respect to its procurement and disposal practices and the exercise of delegations.

Council's response

As noted in the report Council has recently created an Internal Audit position that reports directly into the General Manager. There is currently a schedule/plan of audits to be conducted over the next 3 years. This plan will be adapted and adjusted to respond to requirements within Council.

Recommendation 13

Council should, as soon as practicable, establish an internal audit committee consistent with the Internal Audit Guidelines issued by the Division of Local Government and then implement its audit plan.

Council's response

Council has recognised the current Audit Committee structure does not address the new guidelines and will be addressing this over the next six months.

6. PLANNING AND OTHER REGULATORY FUNCTIONS

Council exercises regulatory functions in relation to a range of activities within its area. The efficiency and probity of council's regulatory functions is important for effectively managing council's responsibilities and for preserving public trust in Council and its staff. Regulation is important to achieve a wide range of social, economic and environmental goals.

6.1 OVERVIEW

Pittwater Council has a strong planning and regulatory framework together with a commitment to improved efficiencies and its customer and community focus. Council's planning and development software is leading edge in the local government sector.

6.1.1 Scope of the review

A review was conducted of a range of aspects of Council's regulatory practices including:

- *Council's planning instruments and policies;*
- *Development assessment;*
- *Section 94 plans;*
- *Companion animals;*
- *Environmental management; and*
- *Enforcement practices.*

6.2 BETTER AND NOTEWORTHY PRACTICE

6.2.1 Development Applications process

Council has developed leading edge technology to drive its development applications (DA) process. *Masterplan Enquirer* is a web based planning, information and enquiry system for use by staff and the public in the area of development. Council's *Proclaim* database provides data to the interactive system which enables applicants and developers to obtain information, conditions and requirements specific to the site being developed. Applicants can then submit their applications online.

This process ensures fast, accurate and consistent advice and assessment of applications as all data is electronically accessed from the same source. The positive outcome of this process is that applicants are advised of all relevant requirements and controls for the development prior to lodging an application. This enables applicants to make any necessary amendments to their application prior to assessment, thus streamlining the overall DA process.

Masterplan Assessor used by staff in assessing applications is an online process structured in such a way that all requirements relevant to the development application are addressed appropriately.

Council's web based DA tracking system enables staff and the public to readily identify and track DAs.

Section 149 Certificates can be produced electronically and paid for on the web. This results in improved efficiencies, reducing the amount of work for customer service officers while speeding up the process for applicants.

6.2.2 Development Unit

Council has created a Development Unit with delegated authority to make decisions in respect of development applications and associated modifications, amendments and extensions. The Unit is a panel of four (4) staff with relevant expertise drawn from across the organisation as specified in its Charter.

The Development Unit meets each Thursday and the meetings are open to the public. Applicants and objectors may address meetings of the Unit with permission of the Chairperson. Councillors may observe the proceedings but not participate.

The Agenda for any meeting is reviewed by the Council's senior management team. Staff members on the Unit, with the exception of the Chairperson, have full voting rights. Decisions of the Unit must be by majority vote before determination of an application under delegated authority can be made. A member's dissenting vote (with reasons) is recorded in the Minutes of the Development Unit. Where a councillor(s) has shown an interest in an application, the Development Unit determines the matter but withholds the issue of determination, pending advice from the councillor(s) as to whether the matter should proceed to Council for consideration.

The establishment of the Development Unit has resulted in a reduction in legal fees due to the successful arbitration of development matters.

6.2.3 Contribution Plans

Section 94 assessments are included in the *Masterplan Assessor* report with a summary of recommendations. The system has a built in requirement for Council staff to address the s94 plan requirements and to select conditions for approval.

Council's Section 94 contributions plans are supported by a *Mapinfo* application which provides the status of all s94 contributions by parcel of land. The application shows those lots for which s94 contributions have been paid and those on which contributions have not been paid. It also states a reason as to why the contribution has not been paid eg not at point to be paid; not gone ahead etc. The status of s94 contributions is electronically driven by processes such as receipting of payments ensuring that status data is always up to date. Colour coding of lots on which contributions have been paid, or yet to be paid, provides a clear visual analysis of this data.

The development of creek-line corridors in new development areas, along with good water management and cycle paths to create connectivity, significantly increases development income and encourages the payment of section 94 contributions which fund these items.

6.2.4 Environmental Management

Council's environmental management of the local government area and education of its community regarding environmental issues, coupled with high community engagement and high levels of volunteer labour is exemplary.

Council's limited funding for environment management is supplemented by a pool of 900 volunteers. These volunteers assist with land and bush management in areas such as wetlands, bush, beaches and endangered species. At any time, approximately 250 volunteers are activity involved in 32 specific bush care groups. Volunteers also assist in managing the bushland reserves and beaches in respect to feral animals, noxious weeds, lifeguard duties and rock pool cleaning.

Council has a high awareness of risks to the environment through climate change and mitigation strategies are being considered in advance of the likely impacts.

Council is a leader in *Geotech* landslide technology and sea level change. It is also working together with the community to improve the quality of water in the area.

6.2.5 Awards

Council has won a number of awards for its planning and development achievements. These include:

- 1st Place in the Urban Development Institute of Australia awards for "Public Sector Leadership for Urban Development" - July 2008;
- Statewide Excellence Award for its land release in Warriewood Valley;
- The Urban Development Institute of Australia (UDIA) awarded Council first place in its 'Public Sector Leadership for Urban Development' category;
- November 2005 - Award in Excellence in Planning, Urban Planning Achievement;
- Awarded by the Planning Institute of Australia for Council's On-Line Development Enquiry and Assessment Program (MasterPlan, Enquirer and Assessor);
- August 2005 - National Awards for Local Government Commendation - in the Information Technology Category; and
- Awarded by the Department of Transport and Regional Services for Council's On-Line Development Enquiry and Assessment Program (DEAP).

6.3 AREAS REQUIRING FURTHER DEVELOPMENT

6.3.1 Companion Animals

Pittwater Council has a very low euthanasia rate for stray and dumped dogs with only three (3) occurring in the last year. It also has a low incidence of dangerous dog registrations, enabling rangers to monitor these animals.

The Division has noted an increase in enquiries from Pittwater Council ranger staff regarding companion animal matters. The review team understands that there have been staff changes within this area. It is apparent that knowledge transfer may not have occurred or has been inadequate.

Recommendation 14

Council should implement strategies to develop and maintain knowledge of Companion Animals legislation and requirements.

Council's response

Council has reviewed the induction process, training program and position descriptions relevant to the role of Ranger within the Environmental compliance area of operation. Compulsory induction and the annual refresher program have included more extensive focus and emphasis on the responsibilities and activities of Council in the management and control of companion animals.

The Position Description now includes a requirement for completion of studies associated with the role of Ranger that includes specific attention to Companion Animal Legislation.

Review Team comment

The Review Team considers this recommendation to be complete.

7. ASSET AND FINANCIAL MANAGEMENT

7.1 OVERVIEW

Under its charter, a council has a responsibility to raise funds for the purposes of carrying out its functions. This can be achieved by the fair imposition of rates, charges and fees, borrowings and grants. The council is also the custodian and trustee of public assets and must effectively account for and manage these assets.

7.1.1 Scope of the review

A review was conducted of a range of aspects of Council's practices in the areas of:

- *financial management;*
- *asset management (land assets, plant replacement and capital works); and*
- *management of community land.*

7.1.2 Overview of financial position

A review of Pittwater Council's financial statements for the 2007/08 financial year show that Council is in a sound financial position. Due to the impact of reduced investment returns and the adverse impacts of the global financial crisis, Council's projected financial results for 2008/09 are expected to be affected. Council's quarterly financial report for the period ended 31 December 2008 projected an

operating result (before capital) at 30 June 2009 as a deficit of \$478,000. This compares to surpluses of over \$1 million achieved in the previous two years.

Council has prepared a Long Term Financial Strategy as part of its integrated planning framework. The Strategy provides Council with an initial 20 year financial forecast (with emphasis on the first 10 years), a financial benchmark for the future and an overview of the possible future financial scenarios.

7.2 BETTER AND NOTEWORTHY PRACTICE

7.2.1 Financial Management

Councils have limited income sources to fund projects and services to the community, the majority of which are derived from rates and charges. Pittwater Council has determined that asset rationalisation is a way to increase the community benefits from existing assets by either turning an asset into a revenue earner or exchanging a surplus asset for one which is better utilised by the community and/or creates additional revenue.

One example of increasing the value of an asset to the community is the redevelopment of the community land at Mona Vale to incorporate an underground library, customer service centre and park on one small parcel of land alongside a community hall which doubles as Council's chambers.

Another initiative was to rent space outside restaurants and cafes to create outdoor eating areas. The restricted revenue from this initiative is then used to beautify and add benefit to the community, in this case, by providing umbrellas for the eating areas.

7.3 AREAS REQUIRING FURTHER DEVELOPMENT

7.3.1 Plans of Management

Council has a large number of community land holdings many of which are very small parks. Council has developed management plans for the majority of its community land and is in the process of developing plans for the remainder. In order to make best use of resources Council will take a uniform approach to plans of management for the smaller parcels of community land.

Recommendation 15

Council should continue working towards completing plans of management for all community land.

Council's response

In conjunction with an update of the Pittwater Open Space, Bushland and Recreational Needs Study, Council will continue working toward completing plans of management for all community land based on priority basis as resources permit. Council will utilise a generic approach as appropriate and GIS technology to streamline the process and make them more concise and user friendly.

7.3.2 Long Term Asset Management

Council's Long Term Asset Management Plan / Strategy are not linked to other strategies such as the Financial Strategy, Long Term Financial Plan and the Management Plan. As stated previously, Council is in the process of linking its Long Term Financial Strategy to the Asset Management Plan.

Council has not yet identified the risks of its assets overall and acknowledges that it needs to develop further strategies in this area.

Recommendation 16

Council should link its Long Term Asset Management Plan, with its Long Term Financial Plan and Management Plan.

Council's response

Council has recently (June 09) completed its first Long-term Financial Strategy. Council has also started on an extensive review of its current Asset Management procedures. We have recently (July 09) started a risk identification process with respect to all our managed assets. We have also developed a draft long term financial model for our roads, pavements and storm water systems that will feed into our Long-term financial modeling. Council will continue to develop long-term financial models for all our asset classes that we have identified. Our Asset Management actions and Capital Improvement Program will be integrated into the 2010-2014 Management Plan review.

7.3.3 Plant and Equipment

Council has no plant replacement policy. However, Council's policy on the disposal of plant and equipment requires that the disposal of major assets, defined as *assets with an original capital value of \$10,000 or more (excluding land)*, should be planned for and recorded as part of the Management Plan process and submitted to Council for authorisation. Where possible, Council vehicles and major plant and equipment are maintained in the workshop. By maintaining the plant and equipment in its workshop, downtime and costs are kept to a minimum. Once the cost of maintenance increases, the plant or equipment is programmed for replacement.

The review team noted that decisions regarding replacement of plant and equipment, being minor assets under the above policy, are made after certification by a director that the asset is surplus to current or anticipated future requirements, or is unserviceable, unusable, in a state of disrepair or obsolete.

Council should consider developing a plant replacement policy which identifies the useful life of plant items and determines likely replacement dates.

Recommendation 17

Council should consider developing a plant replacement policy which identifies the useful life of plant items and determines likely replacement dates.

Council's response

Council will develop a plant replacement policy based on a 'whole of life' asset management approach which will identify the useful and cost effective life of plant items; determine replacement and disposal strategy; and likely replacement dates.

8. COMMUNITY AND CONSULTATION

8.1 OVERVIEW

A council's charter requires that a council:

- provides services after due consultation;
- facilitates the involvement of councillors, members of the public, users of facilities and services and council staff in the development, improvement and coordination of local government;
- actively promotes the principles of multiculturalism;

- plans, promotes and provides for the needs of children; and
- keeps the local community and State Government informed about its activities.

8.1.1 Scope of the review

Council's activities considered in this area are listed below.

- *The methods Council uses to involve and determine the views of its community.*
- *Social and community functions of Council.*
- *Customer Service.*
- *Economic Development/ Tourism.*
- *Annual reporting.*

8.1.2 Council's community and consultation practices

Overall, Council has a track record of working with the community to plan and deliver a range of appropriate social and cultural services.

On the other hand, Council's practices relating to economic development, tourism and community reporting should be strengthened.

8.2 BETTER AND NOTEWORTHY PRACTICE

8.2.1 Social and community planning

The *Building Communities - Pittwater Social Plan* was prepared in accordance with the Regulation and the Guidelines issued by the Department. In particular, the Social Plan:

- is well researched with evidence of comprehensive community consultation;
- is very well presented and easy to access via Council's website;
- builds upon Council's significant investment in developing appropriate social infrastructure and services; and
- links well with other corporate documents, such as the Management Plan which reflects a commitment to implement the recommendations of the Social Plan.

Council also worked in partnership with a range of councils to produce the *Northern Sydney Aboriginal and Torres Strait Islander Social Plan 2007-2011*. This plan is also very well researched and well presented. It contains collaborative strategies to address issues of social justice for Aboriginal communities in the region.

8.2.2 Cultural planning

By developing *Living Pittwater, Our Cultural Plan 2006-2011*, Council recognises the fundamental role that culture plays in the lives of its residents.

The plan was developed following extensive and inclusive consultations. Consultation techniques used were creative and helped to define the community's aspirations and values in a practical way. Examples include artwork submissions from community members mapping the spirit of Pittwater; postcard making, photographic mapping and expression using the medium of theatre.

The presentation of the Cultural Plan is excellent. It is easy to read and understand. A clear action plan organised around clearly stated priorities provides the basis for the way forward. However, it does not include key performance indicators to measure progress. Council should consider including these when review the plan in the future.

8.2.3 Community participation and consultation

In meeting its charter Pittwater Council has demonstrated a strong commitment to engaging the community. Council has employed a range of initiatives to ensure its services are appropriate to the community's need and engender greater community support and/or ownership.

Examples of these initiatives are presented below.

- A Community Engagement Policy and Toolkit which is an excellent resource to assist Council staff to consult with the community and other stakeholders. For example, the Toolkit includes various checklists to promote effective consultation processes. An evaluation checklist is also included.
- As mentioned Council has four (4) reference groups consisting of up to 12 community representatives which allow for direct community input into strategic planning and decision making.

- An overhead projector records the minutes of Council meetings for all to observe while they are in progress.
- Residents or interested parties can participate in Council meetings in three ways:
 - 1) the Public Forum – any person can make a short presentation on new and positive initiatives that Council can consider;
 - 2) Resident Question Time – residents can ask questions of the elected Council at a Council meeting; and
 - 3) Public Addresses - any person may address a Council or Committee meeting in relation to an item on the Council/Committee meeting agenda.

Information and rules to assist those wishing to participate are printed on Council's website and included in the business paper for Council meetings.

- Council undertook extensive consultation to assist in developing its Strategic Plan. This included large community forums, establishment of a reference group consisting of 47 members, workshops and public exhibition.

8.2.4 Integrated Service Delivery

Council is developing an innovative and integrated model of child care for children aged from birth to five (5) years combining home based care (Family Day Care) and centre based care. It also proposes to co-locate a range of early childhood and family services in the same complex. Funding has been sought from the Commonwealth Government to progress this model.

8.2.5 Community Education

Council offers extensive education programs covering a wide range of issues including food and water safety, environment protection, waste management and learner driver programs. Surveys are also conducted by Council with the assistance of the community. One important activity is the community water quality monitoring survey, which is held several times during the year with the help of school students and other volunteers.

A wide range of activities and workshops for the community are conducted throughout the year. These include frog workshops, night walks, breakfast with the

birds and other eco walks and talks. Surveys of Pittwater Council's flora and fauna are conducted with the assistance of the community throughout the year and these go on to form a substantive part of the State of the Environment Report.

Council has an environment education program for schools in its local area. The value of these programs is well recognised by neighbouring local government areas. At their request Pittwater Council provides these school education programs to neighbouring area schools at a cost.

The environmental education programs improve the community's approach to and knowledge of their environment and responsibilities. This approach also reduces Council's work and costs in the ongoing management of the local environment.

8.3 AREAS REQUIRING FURTHER DEVELOPMENT

8.3.1 Economic development and tourism

Council's approach to economic development and tourism is not well developed. However this deficit has been recognised in Council's Strategic Plan. In particular, Council plans to develop an Economic Development Strategy which includes the preparation of an economic development plan, the production of a sustainable business practice guideline/toolkit and the investigation of a regional technology/business incubator.

One of the objectives of the proposed Economic Development Strategy is *"to capture opportunities associated with tourism that are compatible with Pittwater's environmental, social and economic values."* These opportunities should be incorporated in the proposed economic development plan.

Recommendation 18

Council should develop an Economic Development Strategy as set out in its Strategic Plan and incorporate tourism initiatives within its overarching Economic Development Plan.

Council's response

Council in its current 2009/2103 Management Plan has identified an Action in 2012/2013 to develop an economic Development Plan. In developing the plan Council will clearly consider all relevant economic issues including tourism.

8.2.3 Reporting to the community

Council's social/community plan examines the needs of the local community, including groups that may be disadvantaged in some way, and formulates access and equity activities that council and/or other agencies could implement to address identified needs. Guidelines issued by the Department require achievements in this area to be reported on Council's Annual Report in an Access and Equity Statement. Council's reporting on achievements in relation to its Social, Aboriginal and Cultural Plans in the 2007/2008 Annual Report is of a general nature. For example, there is little detail in relation to the activities provided for children and people from culturally and linguistically diverse backgrounds. More information could be provided about specific cultural activities.

Recommendation 19

Council should provide more information in its next annual report about activities provided for children and people from culturally and linguistically diverse backgrounds as well as specific cultural activities.

Council's response

Council already provides reasonable information in its Annual Report in relation to cultural activities and services for children however this can be further reviewed to provide where possible more detailed information on these services and activities.

9. WORKFORCE RELATIONS

9.1 OVERVIEW

Council is required to conduct itself as a responsible employer in accordance with a number of legislative responsibilities.

9.1.1 Scope of review

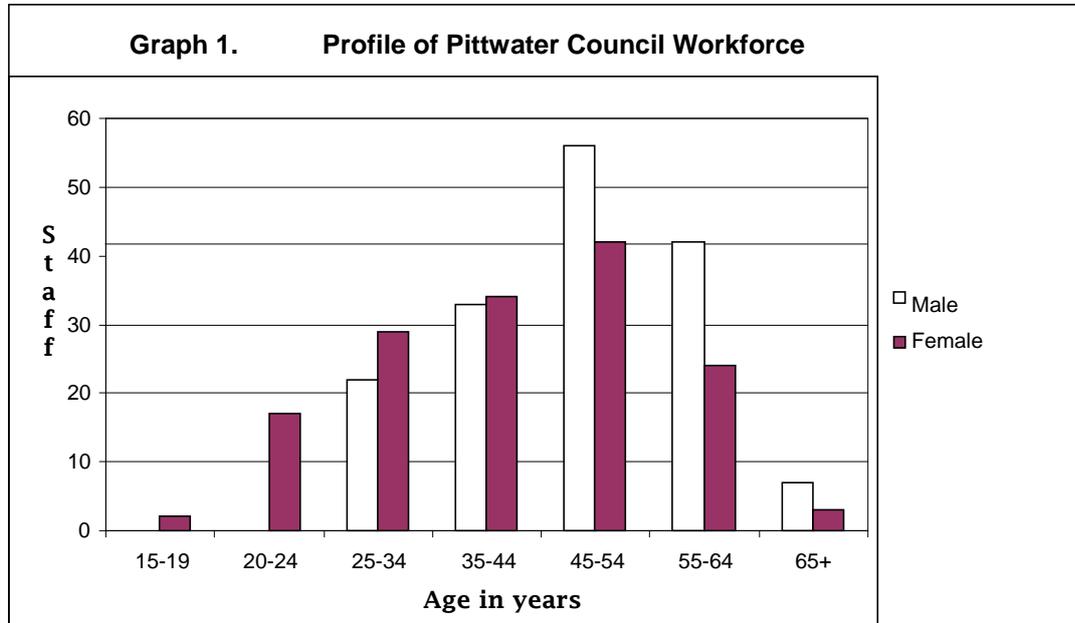
The review considered the following range of Council's workplace relations practices.

- *Human resources strategy*
- *Job descriptions and job evaluation*
- *Consultative committee processes*
- *Recruitment and selection processes*
- *Employee remuneration*
- *Staff development*
- *Grievance management*
- *Occupational health and safety*

- *Secondary employment*

9.1.2 Pittwater Council's workforce

Council employs approximately 288 full-time equivalent staff. The age and gender profile of these staff is displayed in the graph below.



It is worth noting that only six (6) percent of Council's staff are aged 24 years and younger, while approximately 24 percent are aged 55 years and over. Ten (10) employees are aged 65 years and over. Females represent 49 percent of the total workforce.

Council's workforce is somewhat diverse.

- Two percent (2%) of its employees are of Aboriginal and Torres Strait Islander origin.
- Five percent (5%) of its employees are of culturally and linguistically diverse origins.
- Four percent (4%) of its employees have physical disabilities.

Overall, the review team observed staff to be very enthusiastic, dedicated and skilled in their areas of expertise.

9.2 BETTER AND NOTEWORTHY PRACTICE

9.2.1 Corporate Development Strategic Plan 2008-2012

In June 2008 Council developed its 2008–2012 Corporate Development Strategic Plan to align with Council’s vision and Management Plan 2008-2012. The plan sets goals and objectives for realising Council’s human resource strategic initiatives.

Other elements of the plan include a clear definition of the Corporate Development Unit’s charter, role, style and delivery method. The Unit uses a People Management Performance System. Each officer of the Unit has been assigned to build business partnerships with and provide support to specific Council business units.

9.2.2 Employee communication

It is important that organisations have effective means of communication with staff. Effective communication systems will typically use a range of channels to disseminate and gather information.

In 2007 Council undertook an organisation wide employee attitude survey which resulted in a 90 percent response rate. This is an excellent response rate. The results were presented to the senior management team as well as all employees.

Key areas that staff believed needed improving were performance and recognition, salary system, career management, communication and transparency, induction, employee wellness, organisational development and leadership. Council has made substantial progress in addressing these issues by introducing a range of initiatives. A number of these are highlighted below.

- Presentations to all staff about the survey results and initiatives to address the issues raised.
- A large number of human resource guidelines and manuals have been added to the intranet for all staff to access.
- An information sheet called PitTRENDS is produced on a regular basis.
- Each business unit has a communication plan to improve information sharing and liaison in all directions.
- The Joint Consultative Committee was strengthened by increasing the number of members. A meeting with most members indicated that the

Committee works well together and provides a useful forum to raise issues with management and receive information.

- Senior management team minutes are now published on the intranet.
- Exit interviews with staff leaving the organisation are conducted as a matter of routine.

9.2.3 Performance, recognition and training

Council had reviewed its induction processes and was about to launch a new improved program.

Council has introduced a recognition program which acknowledges work that is well done. Nominations are considered every two months and are assessed in a timely fashion.

Council's performance system has been redesigned to take into account feedback from the employee survey about lack of career planning and dissatisfaction with the old system. The new system involves mutual goal setting and individual training plans. Employees are now able to discuss and identify career progression options.

Individual training plans cascade into a Council wide training plan. Council's training budget has been increased. In doing so, Council advised that this is approaching the industry benchmark levels in terms of spending on a per capita or per employee basis. In addition more flexible Educational Assistance Guidelines have been introduced.

9.2.4 Salary system

Recent changes to the salary system have been explained to all staff at briefings/workshops. The new system has simplified Council's salary structure by reducing 40 grades to 16 broader band ranges. The system now also integrates job descriptions, job evaluation, salary amount and assessment. Salary movement is based on competency, performance, market supply and job responsibility changes.

9.2.5 Leadership and staff development

Recognising, building and retaining the leadership and management skills of its employees are critical to an organisation successfully meeting its Charter.

In 2008 Council ran the Women in Leadership and Learning Program for 16 participants. Its aim was to assist in developing leadership skills and to improve cross unit co-operation. Participants took on specific projects, attended and made presentations at senior management team meetings.

Integrating this program with senior management team meetings was an excellent feature of the program. It had the dual benefit of creating a practical learning experience for the participants as well as providing the senior management team members with first hand exposure to operational issues as presented by the participants.

Council has also recently launched the Pittwater Aspiring Leaders (PAL) Program based on a mentoring model. Three one day workshops on leadership skills are incorporated into the program. The program involves 17 participants and 17 mentors.

9.3 AREAS FOR FURTHER DEVELOPMENT

9.3.1 General Manager's performance management

The General Manager is accountable for ensuring Council meets its goals, statutory responsibilities and the targets set in the strategic and management plans. Managing the performance of the General Manager is therefore integral to monitoring organisational performance.

Specifically, performance management is a process through which Council and the General Manager can reach a mutual understanding of expectations and assess whether the expectations have been met, exceeded, or remain unmet. The process can identify and reward good performance or develop strategies to manage under-performance.

The General Manager, Pittwater Council is employed on a five year performance based contract. However, the performance agreement referred to in Schedule A of the contract is general and incomplete. It does not contain an action plan identifying key result areas, outcomes and key performance indicators.

The Mayor held a performance review meeting with the General Manager in late 2008. The General Manager prepared an extensive list of achievements in the last year linked to key strategies of the Management Plan 2008-2012. He also provided progress against a list of key performance indicators. These achievements formed

the basis of the discussion. While the Mayor did not document the proceedings of the meeting, he provided a Mayoral Minute outlining the process and outcomes of the review. It was resolved that the General Manager's continued outstanding performance be commended.

To strengthen its practices in this area Council is encouraged to consider the publication *Local Government General Manager Performance Management Guidelines, August 2007* prepared by the Local Government Association, the Local Shires Association and the Local Government Managers Australia NSW. The publication is available from the Division of Local Government's website at www.dlg.nsw.gov.au.

These guidelines recommend that the performance management of the General Manager be delegated to a Performance Review Panel. A Panel (comprising the Mayor and other councillors) provides a better forum for constructive discussion and feedback. It is good practice to enable councillors not on the Panel to provide feedback to the Mayor in the week prior to each session. All councillors selected to take part in the Panel should have received training in undertaking performance management processes.

Recommendation 20

- a. That Council in accordance with the Local Government General Manager Performance Management Guidelines, August 2007 consider delegating the performance management of its General Manager to a Performance Review Panel comprising the Mayor and other councillors and/or consider using an external facilitator, experienced in performance management, to assist with the process.*
- b. In the event that Council chooses to form a General Manager's Performance Review Panel, all councillors selected to take part in the Panel should receive relevant training.*

Council's response

The Council will engage the services of an external trainer experienced in executive performance management to train Councillors in the performance review process of the General Manager in 2009. The performance review process will commence in October 2009.

The Mayor and nominated Councillors will form the Performance Review Panel.

9.3.2 Workforce Planning

All councils are, to varying degrees, required to respond to workforce issues such as:

- an ageing workforce;
- changes in workload for certain sections as council's and government priorities change;
- the shortage of specialised skills in certain areas;
- remuneration/market pressures for higher wages; and
- societal demands for a better work/life balance.

Workforce planning needs to ensure that the organisation can respond to its strategic priorities and effectively respond to the challenges that Council will face in relation to the issues listed above.

In 2008 Council developed an Ageing Workforce Strategy. This document includes 17 broad strategies or policies statements about ways to retain staff, particularly mature age staff.

In 2009 Council prepared a draft Workforce Planning Strategy. The Strategy maps what human resources Council has currently and identifies future workforce challenges. These challenges are responded to with clear initiatives, actions and targets dates.

It is not clear how the two Strategies are linked. The Strategy could be strengthened by including key performance indicators to measure the progress toward implementing each of the strategic initiatives.

Recommendation 21

Council should finalise its draft Workforce Planning Strategy 2009 to ensure that it is integrated with its Ageing Workforce Strategy 2009. Key performance indicators should be included in the Strategy.

Council's response

The Council will finalize its draft Workforce Planning Strategy and this document will integrate its existing draft Ageing Workforce Strategy and include key performance indicators.

9.3.3 Corporate Development Strategic Plan 2008-2012 – Action Plan

The action plan of Council's Corporate Development Strategic Plan does not include clear performance indicators to meaningfully track and measure progress.

A review of the Corporate Development Strategic Plan has been scheduled for May 2009. This may present an opportunity to incorporate methods for measuring progress toward achieving Council's strategic initiatives.

Recommendation 22

In reviewing its Corporate Development Strategic Plan 2008-2012 Council should consider developing clear performance indicators and/or methods for measuring progress toward achieving the initiatives.

Council's response

The Council's Corporate Development Strategic Plan 2008-2009 will be reviewed and updated to include clear performance indicators and milestones for measuring progress toward achieving the initiatives.

9.3.4 Equal employment opportunity (EEO)

Councils are "to promote equal employment opportunity for women, members of racial minorities and physically handicapped persons in councils" (section 334 of the Act). Council is also obliged to "prepare and implement an equal employment opportunity management plan" (section 345 of the Act).

In January 2009 Council prepared *EEO Guidelines for Staff* which includes an EEO Management Plan 2008/2009. It is scheduled for review in May 2009. The plan demonstrates that Council undertakes a number of activities to meet its equal employment opportunity obligations.

The Women in Leadership and Learning Program described earlier is a good example. However, the number of Council management positions that the female participants of the Program could potentially apply for is quite limited. The Program could be enhanced by developing strategies to provide opportunities for the participants to use their knowledge and skills beyond the Program. For example, Council could consider ongoing special projects, mentoring by senior management or other external career development opportunities.

Annual EEO data and broad outcomes are included in Council's Management Plan and Annual Report. However, Council's Strategic and Management Plans do not include specific strategic initiatives and activities in this area.

Recommendation 23

To support the ongoing career development of the participants of the Women in Leadership and Learning Program, Council should provide opportunities for them to continue to use the knowledge and skills gained in the Program.

Council's response

Council will continue to identify opportunities for the ongoing career development of the participants of the Women in Leadership and Learning (WILL) Program. In this regard Council has already developed a structured Mentoring Program of its Managers in 2009 and will identify suitable ongoing special projects for the WILL participants to develop the skills and knowledge acquired in the WILL Program.

Recommendation 24

Strategic initiatives and activities contained in the Equal Employment Guidelines/Management Plan should be considered for inclusion in Council's Strategic and Management Plans.

Council's response

The review and implementation of Council's EEO Plan has already been nominated as a specific action in Council's 2009-2013 Management Plan.

10. RISK RATING ANALYSIS

Each recommendation made in this report has been assessed and a priority ranking has been applied based on the following risk analysis.

		CONSEQUENCE		
		Significant <i>Significant risk to the operations of council and if not addressed could cause public outrage, non-compliance with council's statutory responsibilities, severe disruption to council's operations and council's ability to meet its goals.</i>	Moderate <i>Moderate risk to the operations of council and if not addressed could cause adverse publicity, some disruption to council's operations and council's ability to meet its goals.</i>	Minor <i>Minimal risk to the operations of council, little disruption to council's operations and will not limit council's ability to meet its goals.</i>
LIKELIHOOD	Almost certain	High	High	Medium
	Possible	Medium	Medium	Low
	Rare	Medium	Low	Low

Priorities for recommendations: <i>(based on application of risk analysis)</i>	Risk categories could include:
<ul style="list-style-type: none"> • High • Medium • Low 	<ul style="list-style-type: none"> • Reputation • Compliance with statutory requirements • Fraud/corruption • Financial • Legal liability • OH&S

11. ACTION PLAN

The Action Plan is to be completed and adopted by Council to guide the implementation and monitoring of the recommendations in this report. The review team have allocated notional priority rankings using the risk rating analysis in the previous section. Council is encouraged to review and revise these, if necessary.

RECOMMENDATION	PRIORITY	ACTION PROPOSED	TIME FRAME	RESPONSIBILITY	PROGRESS REPORT
1. Council should include its values in its Management Plan and Annual Report.	High	That Council's values continue to be included in Council's Annual Reports and Management Plans.	Ongoing	Administration & Governance Business Unit	Council's values included in the 2008/09 Annual Report. Completed
2. The Mayor should explore and implement mechanisms to ensure maximum participation from all councillors.	Medium	That regular briefings and communications be implemented.	Ongoing	General Manager	
3. Council should ensure councillor training sessions meet the needs and facilitate the learning of all councillors.	Medium	That a refresher course on Council's Code of Conduct along with in house training relating to Meeting Procedure to be provided to Councillors in the new year.	June 2010	Administration & Governance Business Unit	
4. That Council include clear performance indicators in its next Management Plan in order to meaningfully track and measure progress towards the targets set in the Strategic Plan.	High	KPI's have been integrated into the 2009-2013 Management Plan. Further work is needed on the way this data is represented for ease of use and understanding for future reporting.	Dec 2009	Corporate Strategy Team	Completed

RECOMMENDATION	PRIORITY	ACTION PROPOSED	TIME FRAME	RESPONSIBILITY	PROGRESS REPORT
5. Council should use the Managing Gifts and Benefits in the Public Sector Toolkit - Independent Commission Against Corruption to review its Gifts and Benefits Guidelines and then provide training to its employees.	Medium	Council review its Gifts and Benefits Guidelines and then training to be provided to all employees.	Dec 2010	Administration & Governance Business Unit	
6. Council should develop a system whereby it can ensure that all legislative and regulatory obligations are met on an ongoing basis.	High	Council to investigate with the view to implement a proven system whereby Council can ensure all legislative and regulatory obligations are met.	Dec 2010	Administration & Governance Business Unit	
7. Council should consider the comments made in this Promoting Better Practice Report when reviewing its policies and updating its register.	Medium	When updating and reviewing the Policy Register Council to give consideration to the comments made in the PBP Report.	Dec 2010	Administration & Governance Business Unit	
8. Council should finalise its records management policy and ensure that councillor records are adequately covered by that policy.	High	The Draft Record Keeping Policy is currently on hold pending advice in relation to the legal advice received.	June 2010	Administration & Governance Business Unit	
9. Council should consider reviewing its procurement and disposal guidelines to include all steps to be taken by council staff in these processes.	High	Review procurement and disposal guidelines to include all steps to be taken by council staff in these processes.	June 2010	Urban Infrastructure and Finance & IT Business Units	In progress - well advanced

RECOMMENDATION	PRIORITY	ACTION PROPOSED	TIME FRAME	RESPONSIBILITY	PROGRESS REPORT
<p>10. Council should ensure that the risk management plan is implemented in accordance with the approved implementation plan.</p>	<p>Medium</p>	<p>Council's risk management plan is to follow a six (6) step process. This six step process of implementation has began with step one, Senior Management Support/endorsement being carried out. Council is currently in the process of completing step two (Development of Framework) and Step Three (Communication/Education). It is anticipate having these steps completed by early in 2010. Accordingly, Pittwater Council is carrying out its risk management plan in conjunction with its approved implementation plan.</p>	<p>Mar 2010</p>	<p>Finance and IT Business Unit</p>	
<p>11. Council should conduct a risk assessment of its procurement and disposal practices, as soon as practicable.</p>	<p>Medium</p>	<p>Council to continue the process of risk assessment and complete by the end of 2009 a more detailed risk assessment, further procurement improvements and a Council wide education process.</p>	<p>Dec 2009</p>	<p>Finance and IT Business Unit</p>	

RECOMMENDATION	PRIORITY	ACTION PROPOSED	TIME FRAME	RESPONSIBILITY	PROGRESS REPORT
12. Council should review its processes with a view to improving internal control mechanisms and undertaking internal audits, especially its procurement and disposal practices and the exercise of delegations.	High	That Council commence the Audit schedule as prescribed in the Audit Plan and that the set of procedures established by the Internal Auditor be brought forward. Audits for procurement, asset disposal practice and delegations be undertaken in the next 6 months.	Mar 2010	Corporate Strategy Team	
13. Council should, as soon as practicable, establish an internal audit committee consistent with the Internal Audit Guidelines issued by the Division of Local Government and then implement its audit plan.	Medium	That a new Audit Committee be established, composed of independent members that have no connection with Pittwater, consistent with the Internal Audit Guidelines issued by the Division of Local Government.	April 2010	Corporate Strategy Team	
14. Council should implement strategies to develop and maintain knowledge of Companion Animals legislation and requirements	Medium	Council undertake a review of the induction process training program and position descriptions relevant to the role of Ranger.	Dec 2009	Environmental Compliance Business Unit	Action completed

RECOMMENDATION	PRIORITY	ACTION PROPOSED	TIME FRAME	RESPONSIBILITY	PROGRESS REPORT
15. Council to continue working towards completing plans of management for all community land.	Low	In conjunction with an update of the Pittwater Open Space, Bushland and Recreational Needs Study, continue working toward completing plans of management for all community land based on priority basis as resources permit utilizing a generic approach as appropriate and GIS technology to streamline the process and make more concise and user friendly	Over next 5 years	Reserves and Recreation and Natural Environment and Education Business Units.	In progress
16. Council should develop a Long Term Asset Management Plan that links with the Long Term Financial Plan	High	Council will continue to develop long-term financial models for all our asset classes that we have identified. Our Asset Management actions and Capital Improvement Program will be integrated into the 2010-2014 Management Plan review.	ongoing	Corporate Strategy Team	
17. Council to consider developing a plant replacement policy which identifies the useful life of plant items and determines likely replacement dates.	Medium	That Council develop a plant replacement policy based on a 'whole of life' asset management approach which will identify the useful and cost effective life of plant items; determine replacement and disposal strategy; and likely replacement dates.	Oct 2010	Urban Infrastructure, Reserves and Recreation and Finance and IT Business Units.	(Current Guideline to be strengthened with policy. To commence shortly)

RECOMMENDATION	PRIORITY	ACTION PROPOSED	TIME FRAME	RESPONSIBILITY	PROGRESS REPORT
18. Council should develop an Economic Development Strategy as set out in its Strategic Plan and incorporate tourism initiatives within the overarching Economic Development Plan.	Medium	An Economic Development Strategy Plan, considering all relevant economic issues including tourism, be developed as part of the identified Action in the 2012/2013 Management Plan.	July 2013	Community Library and Economic Development Business Unit	
19. Council should provide more information in its next annual report about activities provided for children and people from culturally and linguistically diverse backgrounds as well as specific cultural activities.	Medium	That Council review the information provided in its Annual Report in relation to cultural activities and services for children to provide where possible more detailed information on these services and activities.	July 2011	Community Library and Economic Development Business Unit	

RECOMMENDATION	PRIORITY	ACTION PROPOSED	TIME FRAME	RESPONSIBILITY	PROGRESS REPORT
<p>20 a) That Council in accordance with the Local Government General Manager Performance Management Guidelines, August 2007 consider delegating the performance management of its General Manager to a Performance Review Panel comprising the Mayor and other councillors and/or consider using an external facilitator, experienced in performance management, to assist with the process.</p> <p>b) In the event that Council chooses to form a General Manager's Performance Review Panel, all councillors selected to take part in the Panel should receive relevant training.</p>	<p>High</p>	<p>Councillors to be trained in performance management of the General Manager</p>	<p>Oct 2009</p>	<p>Corporate and Commercial Development Business Unit</p>	

RECOMMENDATION	PRIORITY	ACTION PROPOSED	TIME FRAME	RESPONSIBILITY	PROGRESS REPORT
21 Council should finalise its draft Workforce Planning Strategy 2009 to ensure that it is integrated with its Ageing Workforce Strategy 2009. Key performance indicators should be included in the Strategy.	High	That Council finalize the Draft Workforce Planning Strategy with Key Performance Indicators included.	June 2010	Corporate and Commercial Development Business Unit	
22 In reviewing its Corporate Development Strategic Plan 2008-2012 Council should consider developing clear performance indicators and/or methods for measuring progress toward achieving the initiatives.	Medium	The Corporate Development Strategic Plan 2008-2009 be reviewed and updated to include clear performance indicators and milestones for measuring progress toward achieving the initiatives.	June 2010	Corporate and Commercial Development Business Unit	
23 To support the ongoing career development of the participants of the Women in Leadership and Learning Program, Council should provide opportunities for them to continue to use the knowledge and skills gained in the Program.	High	Council to continue to identify opportunities for the ongoing career development of the participants of the Women in Leadership and Learning (WILL) Program.	June 2010	Corporate and Commercial Development Business Unit	
24 Strategic initiatives and activities contained in the Equal Employment Guidelines/Management Plan should be considered for inclusion in Council's Strategic and Management Plans.	High	The review and implementation of Council's EEO Plan be developed as part of a identified action in Council's 2009-2013 Management Plan	June 2013	Corporate and Commercial Development Business Unit	